

## Chapter 11. Working with Your New Employer



As you begin your career you will inevitably face questions and concerns from employers about your disability and its effect on your ability to perform your job. To address these questions and concerns with confidence you must educate yourself and your employer. Remember that people often fear most what they don't understand. Your ability to appropriately discuss your disability and your right to certain accommodations is a critical skill. Providing an employer with information and resources where they may obtain more information on accommodations and the Americans with Disabilities Act (ADA) may be essential to your success. This section provides information and resources to help you in this process. We have provided information on the ADA, reasonable accommodations, appropriate interview questions, working with a performer with a disability and much more.

### Chapter 11

#### A. Understanding the Americans with Disabilities Act (ADA)

The ADA gives civil rights protections to individuals with disabilities similar to those protections

provided through federal law to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. This part of the law is enforced by the U.S. Equal Employment Opportunity Commission (EEOC) and state and local civil rights enforcement agencies that work with the EEOC.



The National Institute on Disability and Rehabilitation Research (NIDRR) has established 10 regional centers to provide information, training, and technical assistance to employers, people with disabilities, and other entities with responsibilities under the ADA. These centers are called Disability and Business Technical Assistance Centers (DBTAC).

The centers act as a “one-stop” central, comprehensive resource on ADA issues in employment, public services, public accommodations, and communications. Each center works closely with local business, disability, governmental, rehabilitation, and other professional networks to provide ADA information and assistance, placing special emphasis on meeting the needs



of small businesses. Programs vary in each region, but all centers provide the following:

- technical assistance
- education and training
- materials dissemination
- information and referral
- public awareness

To contact the center nearest you, call 1-800-949-4ADA.

Regulations and Publications  
Available by Fax on Demand

Printed materials on the ADA may be ordered from the U.S. Department of Justice by calling the ADA Information Line at 1-800-514-0301 (voice) or 1-800-514-0383 (TDD). Automated service (for ordering publications and listening to recorded information) is available 24 hours a day.

Publications are available in standard print as well as large print, audiotope, braille, and on computer disk for people with disabilities. Many of these materials can be sent by an automated fax system that is available 24 hours a day. In the following list, publications that have a fax identification

number are available on the automated fax system. To order a publication by fax, call the ADA Information Line and follow the directions for placing a fax order. When prompted to enter the document number, enter the number from this publication list.

- *ADA Questions and Answers*. This 32-page booklet gives an overview of the ADA's requirements for ensuring equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, transportation, and communications services (TDD/telephone relay services). Fax #3106 (available in Spanish, Chinese, Korean, Tagalog, and Vietnamese)
- *Enforcing the ADA: A Status Report from the Department of Justice*. This brief report, issued by the Justice Department each quarter, provides timely information about ADA cases and settlements, building codes that meet ADA accessibility standards, and ADA technical assistance activities. Fax #3102 (for the most current issue)
- *A Guide to Disability Rights Laws*. This 14-page booklet provides a brief overview of eight federal laws that protect the rights of people with disabilities and provides information about how to obtain





enforcement and technical assistance. Fax #3103 (available in Spanish)

- *Learn about the ADA in Your Local Library.* This 10-page annotated bibliography lists 95 ADA publications and one videotape that are available to the public in 15,000 public libraries throughout the country. Fax #3104
- *Myths and Facts.* This three-page fact sheet, aimed at businesses and state and local governments, dispels some common misconceptions about the ADA's requirements and implementation. Fax #3105 (available in Spanish)

Many of these materials are also available in ASCII format through the ADA Bulletin Board System at (202) 514-6193 and on the Internet through the Fed-World Dialup/Telnet option at <http://www.fedworld.gov>. You need telnet software to use the materials available on [fedworld.gov](http://www.fedworld.gov) access. This software can be downloaded from the Internet if it is not already installed on your computer. Once you make a connection to the [fedworld.gov](http://www.fedworld.gov) site, look for "General Information Services," select the "FedWorld Dialup/Telnet Service" option, and follow the directions to log on.

Some of the materials are available in Adobe Acrobat (PDF) format. These files contain graphics as well as text and should resemble the original printed copy.

To view or print PDF files, you need the appropriate Adobe Acrobat reader software for your computer platform. You may download it free from a number of Internet sites, including the following:

[www.library.nwu.edu/reader](http://www.library.nwu.edu/reader)  
[www.adobe.com](http://www.adobe.com)

For more specific information about ADA requirements affecting public accommodations and state and local government services, contact:

***The Department of Justice Office on the Americans with Disabilities Act***

Civil Rights Division

P.O. Box 66118

Washington, DC 20035-6118

Telephone: 1-800-514-0301 or (202) 514-0301

TDD: 1-800-514-0383 or (202) 514-0381

Web site: [www.usdoj.gov/crt/ada/adahom1.htm](http://www.usdoj.gov/crt/ada/adahom1.htm)

Call to obtain answers to general and technical questions about the ADA and to order technical assistance materials.





## Questions and Answers about Your Employment Rights as an Individual with a Disability

This section discusses questions you may have about your employment rights as an individual with a disability.

### *What employers are covered by the ADA?*

Job discrimination against people with disabilities is illegal if it is practiced by the following groups:

- private employers
- state and local governments
- employment agencies
- labor organizations
- labor management committees

The part of the ADA enforced by the EEOC outlaws job discrimination by all employers, including state and local government employers, with 25 or more employees after July 26, 1992, and all employers, including state and local government employers, with 15 or more employees after July 26, 1994.

Another part of the ADA, enforced by the Department of Justice, prohibits discrimination in state and local government programs and activities, including job discrimination by all state and local governments,

regardless of the number of employees, after January 26, 1992.

Because the ADA gives responsibilities to both the EEOC and the Department of Justice for employment by state and local governments, these agencies will coordinate the federal enforcement effort. In addition, since some private and government employers are already covered by nondiscrimination and affirmative action requirements under the Rehabilitation Act of 1973, EEOC, the Department of Justice, and the Department of Labor also will coordinate the enforcement effort under the ADA and the Rehabilitation Act.

### *Are you protected by the ADA?*

If you have a disability and are qualified to do a job, the ADA protects you from job discrimination on the basis of your disability. Under the ADA, you have a disability if you have a physical or mental impairment that substantially limits a major life activity. The ADA also protects you if you have a history of such a disability or if an employer believes that you have such a disability, even if you do not.

To be protected under the ADA, you must have, have a record of, or be regarded as having a substantial, as opposed to a minor, impairment. A substantial impairment is one that significantly limits or restricts



a major life activity such as hearing, seeing, speaking, walking, breathing, performing manual tasks, caring for oneself, learning, or working.

If you have a disability, you must also be qualified to perform the essential functions or duties of a job, with or without reasonable accommodation, in order to be protected from job discrimination by the ADA. First, you must satisfy the employer's requirements for the job, such as education, employment experience, skills, or licenses. Second, you must be able to perform the essential functions of the job with or without reasonable accommodation. Essential functions are the fundamental job duties that you must be able to perform on your own or with the help of a reasonable accommodation. An employer cannot refuse to hire you because your disability prevents you from performing duties that are not essential to the job.

#### *What is a "Reasonable Accommodation"?*

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed

by employees without disabilities. For example, reasonable accommodation may include the following:

- providing or modifying equipment or devices
- job restructuring
- part-time or modified work schedules
- reassignment to a vacant position
- adjusting or modifying examinations, training materials, or policies
- providing readers and interpreters
- making the workplace readily accessible to and usable by people with disabilities

An employer is required to provide a reasonable accommodation to a qualified applicant or employee with a disability unless the employer can show that the accommodation would be an undue hardship—that is, that it would require significant difficulty or expense.

#### *What employment practices are covered?*

The ADA makes it unlawful to discriminate in all employment practices, including the following:

- recruiting
- firing
- hiring



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- training
  - assigning jobs
  - promoting
  - paying
  - giving benefits
  - laying off
  - offering leave

It is also unlawful for an employer to retaliate against you for asserting your rights under the ADA. The ADA also protects you if you are a victim of discrimination because of your family, business, social, or other relationship or association with an individual with a disability.

***Can an employer require medical examinations or ask questions about a disability?***

If you are applying for a job, an employer cannot ask you if you are disabled or ask about the nature or severity of your disability. An employer can ask if you can perform the duties of the job with or without reasonable accommodation. An employer can also ask you to describe or to demonstrate how, with or without reasonable accommodation, you will perform the duties of the job.



An employer cannot require you to take a medical examination before you are offered a job. Following a job offer, an employer can condition the offer on your passing a required medical examination, but only if all entering employees for that job category have to take the examination. However, an employer cannot reject you because of information about your disability revealed by the medical examination, unless the reasons for rejection are job related and necessary for the conduct of the employer's business. Nor can the employer refuse to hire you because of your disability if you can perform the essential functions of the job with an accommodation.

Once you have been hired and started work, your employer cannot require that you take a medical examination or ask questions about your disability unless they are related to your job and necessary for the conduct of your employer's business. Your employer may conduct voluntary medical examinations that are part of an employee health program and may provide medical information required by state workers' compensation laws to the agencies that administer such laws. The results of all medical examinations must be kept confidential and maintained in separate medical files.



***What do I do if I think that I have been discriminated against?***

If you think that you have been discriminated against in employment on the basis of disability after July 26, 1992, you should contact the EEOC. A charge of discrimination generally must be filed within 180 days of the alleged discrimination. You may have up to 300 days to file a charge if there is a state or local law that provides relief for discrimination on the basis of disability. However, to protect your rights, it is best to contact the EEOC promptly if discrimination is suspected.

You may file a charge of discrimination on the basis of disability by contacting any EEOC field office. Offices are located in cities throughout the United States. If you have been discriminated against, you are entitled to a remedy that will place you in the position you would have been in if the discrimination had never occurred. You may be entitled to hiring, promotion, reinstatement, back pay, or reasonable accommodation, including reassignment. You may also be entitled to attorney's fees.

To contact the EEOC, look in your telephone directory under "U.S. Government." For information and instructions on reaching your local office, call (202) 663-4900 (by TDD, 1-800-800-3302 or 202-663-4494).

***Can I get additional ADA information and assistance?***

The EEOC conducts an active technical assistance program to promote voluntary compliance with the ADA. This program helps people with disabilities understand their rights and employers understand their legal responsibilities. In January 1992, EEOC published a *Technical Assistance Manual*, which provides practical application of legal requirements to specific employment activities, with a directory of resources to aid compliance. The EEOC publishes other educational materials, provides training on the law for people with disabilities and for employers, and participates in meetings and training programs of interested organizations. The EEOC staff also responds to individual requests for information and assistance. The EEOC's technical assistance program operates separately from its enforcement responsibilities. Employers who seek information or assistance from the EEOC are not subject to any enforcement action because of such inquiries.

The EEOC also recognizes that differences and disputes about ADA requirements may arise between employers and people with disabilities as a result of misunderstandings. Such disputes frequently can be resolved more effectively through informal negotiation or mediation procedures rather than





the formal ADA enforcement process. Accordingly, the EEOC encourages efforts of employers and individuals with disabilities to settle such differences through alternative methods of dispute resolution, providing that such efforts do not deprive any individual of legal rights provided by the statute.

***Is an employer required to provide reasonable accommodations when I apply for a job?***

Yes. Applicants, as well as employees, are entitled to reasonable accommodation. For example, an employer may be required to provide a sign language interpreter during a job interview for an applicant who is deaf or hearing impaired, unless doing so would impose an undue hardship.

***Should I tell my employer that I have a disability?***

If you think you will need a reasonable accommodation in order to participate in the application process or to perform essential job functions, you should inform the employer that an accommodation will be needed. Employers are required to provide reasonable accommodation for only the physical or mental limitations of a qualified individual with a disability of which they are aware. Generally, it is the responsi-



bility of the employee to inform the employer that an accommodation is needed.

***Do I have to pay for a needed reasonable accommodation?***

No. The ADA requires that the employer provide the accommodation unless doing so would impose an undue hardship on the operation of the employer's business. If the cost of providing the needed accommodation would be an undue hardship, the employee must be given the choice of providing the accommodation or paying for the portion of the accommodation that causes the undue hardship.

***Can an employer lower my salary or pay me less than other employees doing the same job because I need a reasonable accommodation?***

No. An employer cannot recover the cost of providing a reasonable accommodation by lowering your salary or paying you less than other employees in similar positions.



***Does an employer have to make nonwork areas used by employees—cafeterias, lounges, employer-provided***

*transportation, and other areas—accessible to people with disabilities?*

Yes. The requirement to provide reasonable accommodation covers all services, programs, and nonwork facilities provided by the employer. If making an existing facility accessible would be an undue hardship, the employer must provide a comparable facility that enables a person with a disability to enjoy benefits and privileges of employment similar to those enjoyed by other employees, unless to do so would be an undue hardship.

*If an employer has several qualified applicants for a job, is the employer required to select a qualified applicant with a disability over other applicants without a disability?*

No. The ADA does not require that an employer hire an applicant with a disability over other applicants just because the person has a disability. The ADA only prohibits discrimination on the basis of disability. It makes it unlawful to refuse to hire a qualified applicant with a disability because he or she is disabled or because a reasonable accommodation is required to make it possible for this person to perform essential job functions.

*Can an employer refuse to hire me because he or she believes my disability would make it unsafe for me to operate certain machinery required as an essential function of the job?*

The ADA permits an employer to refuse to hire you if you pose a direct threat to your own health and safety or that of others. A direct threat means a significant risk of substantial harm. The determination that there is a direct threat must be based on objective, factual evidence regarding your present ability to perform the essential functions of a job. An employer cannot refuse to hire you because of a slightly increased risk or because of fears that there might be a significant risk sometime in the future. The employer must also consider whether a risk can be eliminated or reduced to an acceptable level with a reasonable accommodation.

*Can an employer offer a health insurance policy that excludes coverage for preexisting conditions?*

Yes. The ADA does not affect preexisting condition clauses contained in health insurance policies, even though such clauses may adversely affect employees with disabilities more than other employees.



***If the health insurance offered by my employer does not cover all of the medical expenses related to my disability, does the company have to obtain additional coverage for me?***

No. The ADA requires only that an employer provide employees with disabilities equal access to whatever health insurance coverage is offered to other employees.

***If I believe I was discriminated against because my wife has a disability, can I file a charge with the EEOC?***

Yes. The ADA makes it unlawful to discriminate against an individual, whether he or she has a disability or not, because of a relationship or association with an individual with a known disability.

***Are people with AIDS covered by the ADA?***

Yes. The legislative history indicates that Congress intended the ADA to protect persons with AIDS and HIV disease from discrimination.

Additional Resources about ADA Requirements Affecting Employment

The resources listed below will provide more information about ADA requirements affecting employment.

***Architectural and Transportation Barriers Compliance Board***

1111 18th Street NW, Suite 501  
Washington, DC 20036

Telephone: 1-800-872-2253 or (202) 272-5434

TTY: 1-800-993-2822 or (202) 272-5449

Fax: (202) 272-5447

E-mail: [info@access-board.gov](mailto:info@access-board.gov) for general information; [ta@access-board.gov](mailto:ta@access-board.gov) for specific technical assistance questions

Web site: [www.access-board.gov/](http://www.access-board.gov/)

Contact this organization for specific requirements for accessible design in new construction and alterations.





***Department of Transportation***

400 Seventh Street SW  
Washington, DC 20590  
Telephone: (202) 366-9305  
TDD: (202) 755-7687  
Web site: [www.dot.gov](http://www.dot.gov)

The Department of Transportation provides information about how ADA requirements affect transportation.

***Equal Employment Opportunity Commission***

1801 L Street NW  
Washington, DC 20507  
Telephone: 1-800-669-4000 or (202) 663-4900  
TDD: 1-800-669-6820 or (202) 663-4494  
Web site: [www.eeoc.gov](http://www.eeoc.gov)

***Federal Communications Commission***

445 12th Street SW  
Washington DC 20554  
Telephone: (202) 418-0190 or (202) 632-7260  
TDD: (202) 632-6999  
E-mail: [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov)  
Web site: [www.fcc.gov](http://www.fcc.gov)

Contact the Federal Communications Commission for specific information about ADA requirements for telecommunications.

Much of the previous information provided by these government offices is available in braille, large print, audiotape, and on computer disk. To obtain accessible formats, call EEOC's Office of Equal Employment Opportunity at (202) 663-4395 (voice) or (202) 663-4399 (TDD), or write the EEOC office at 1801 L Street NW, Washington, DC 20507.

**B. Accommodations for Work**

Understanding Reasonable Accommodations for Work

With the passage of the ADA in 1990, employers were required to provide reasonable accommodations to qualified employees and applicants with known physical or mental limitations. In order to be seen as reasonable, accommodation must not impose an undue hardship for the employer (e.g., must not be costly, extensive, substantial, disruptive, or alter the nature of the business). In addition, the employee must also be "qualified"—able to perform the essential functions of the job. According to the ADA, it is the sole responsibility of the employee with a disability to inform the employer that an accommodation is needed so that the employee can perform essential job functions or receive equal ben-





efits and privileges of employment. Employers are not required to provide accommodations if they are unaware of the employee's need, but they are required to inform people with disabilities of their right to request reasonable accommodations. The ADA goes on to state that the applicant or employee does not have to specifically request a "reasonable accommodation" but must only let the employer know that some adjustment or change is needed to do a job because of the limitation caused by the disability. Employers may require written documentation from a physician to verify hidden physical or mental disabilities.

Here is the bottom line for receiving an accommodation:

- As an employee, you are required to be able to perform the essential functions of the job, let your employer or potential employer know you have some limitation and need an adjustment or accommodation, and provide documentation verifying your disability as needed.
- Your employer is required to inform you of your right to request a reasonable accommodation, honor your request for a reasonable accommodation, and explore reasonable options to accom-

modate you and assess whether accommodation would put undue strain on the business.

#### Facts about Job Accommodations

You may be surprised that job accommodations

- are usually not expensive
- may be as simple as a rearrangement of equipment
- can reduce workers' compensation and other insurance costs for employers
- can increase the pool of qualified employees
- can create opportunities for persons with functional limitations

#### Sample Accommodations and Costs

The following examples show how accommodations and their costs vary:

- providing a drafting table, page turner, and pressure-sensitive tape recorder for a sales agent paralyzed from a broken neck (\$950)
- changing a desk layout from the right to the left side for a data entry operator who had a shoulder injury (\$0)
- supplying a telephone amplifier for a computer programmer who is hard of hearing (\$56)





- providing a special chair for a district sales agent to alleviate pain caused by a back injury (\$400)
- using an articulating keyboard tray to alleviate the strain of repetitive motion and carpal tunnel syndrome (\$150)

About 80 percent of job accommodations suggested by the Job Accommodation Network cost less than \$500.

#### Writing a Job Accommodation Request Letter

Since the ADA does not provide specific guidelines on how to request an accommodation, an employee with a disability may choose to request accommodations verbally or in writing. However, it may be beneficial to request accommodations in writing to maintain a record for future reference. Employees should also determine if their employer has guidelines established for accommodation requests. If not, the following sample format can help you in writing your accommodation request letter. This format is provided as a guide only; it does not constitute legal advice. If you need legal advice, contact a lawyer and legal service.

According to Linda C. Batiste and Ryan D. Kittle, human factors consultants with the Job Accommodation Network, you should include the following items when writing an accommodation request letter:

- the date you are writing the letter
- your name and address
- your employer's name and address
- the salutation (e.g., "Dear Ms. Greene")
- the body text
  - Identify yourself as a person with a disability.
  - State that you are requesting accommodations under the ADA.
  - Identify the job tasks that are difficult.
  - State your ideas about possible accommodations.
  - Ask for your employer's accommodation ideas.
  - If applicable, refer to medical documentation that you have attached to the letter.
  - Ask that your employer respond to your request in a reasonable amount of time.
- the closing (e.g., "Sincerely yours")
- your signature





### The Job Accommodation Network ( JAN )



The Job Accommodation Network (JAN) is an international toll-free consulting service that provides information about job accommodations and the employability of people with functional limitations. JAN provides technical support and assistance free of charge to people with disabilities and to businesses on how to fashion work site accommodations. Founded by the President’s Committee on Employment of People with Disabilities and located at West Virginia University, JAN provides telephone consultation with professional “human factors” counselors. It performs individualized searches for workplace accommodations, based on the job’s functional requirements, the functional limitations of the individual, and other pertinent information. It assists employers and individuals with disabilities in the use of a variety of public programs dealing with disability.

The mission of JAN is to assist in the hiring, retraining, retention, or advancement of persons with disabilities by providing accommodation information. JAN’s work helps persons with disabilities acquire accommodation information and discover other organizations, support groups, government agencies, and placement agencies.

### *Job Accommodation Network (JAN)*

#### *West Virginia University*

P.O. Box 6080

Morgantown, WV 26506-6080

Telephone and TTY/TDD: 1-800-526-7234 in the United States; 1-800-526-2262 in Canada; 1-800-ADA-WORK for ADA information

Fax: (304) 293-5407

E-mail: [jan@jan.icdi.wvu.edu](mailto:jan@jan.icdi.wvu.edu)

Web site: [janweb.icdi.wvu.edu](http://janweb.icdi.wvu.edu)

Phones are staffed—in English, French, and Spanish—from 8 a.m. to 8 p.m. EST time, Monday through Thursday, and on Fridays from 8 a.m. to 5 p.m., by consultants who understand the functional limitations associated with disabilities and who have instant access to the most comprehensive, up-to-date information about accommodation methods, devices, and strategies. The consultants are highly qualified, with backgrounds in a variety of disability-related fields. The consultant interviews the caller to assess the specific job needs and provides the caller with comprehensive information. JAN’s resources are targeted toward solving work-related problems in a way that meets the needs of the employer and the employee. All information is kept strictly confidential.





Through JAN, you can discover practical strategies for your situation. You will receive free information from JAN's extensive library about accommodation strategies, methods, and manufactured devices. JAN produces this information in English, French, and Spanish, as well as in Braille and large print and on tape or disk. Ask for information about DIAL-JAN, the toll-free computer bulletin board for discussion groups, electronic mail, and accommodation information.

JAN's Web page offers numerous publications and reports, including the following:

- *EEOC's The Americans with Disabilities Act: Your Responsibilities as an Employer*
- *EEOC's The Americans with Disabilities Act: Your Rights as an Individual*
- *Employment Tips*
- *Facts about Job Accommodations*
- *Family Medical Leave Act of 1993: A General Overview*
- *FEMA's Emergency Procedures for Employees with Disabilities in Office Occupancies Guide*
- *Ideas on How to Request an Accommodation*
- *Job Accommodation Ideas: Job Accommodation Problems with Proposed Low-Cost Solutions*

- *Job Accommodation Network Situations and Solutions*
- *Rehabilitation Act: Your Rights as an Individual*

### C. Resources to Educate Your New Employer

The following document, *Everything You Always Wanted to Know about Working with Performers with Disabilities but Were Afraid to Ask*, is published here with permission of the following organizations who funded its creation:

- the Screen Actors Guild, Producers Industry Advancement & Cooperative Fund
- the American Federation of Television & Radio Artists (New York and Los Angeles locals)
- the Actors' Equity Association

This document is available on the internet at [www.sag.com/disabilityfaqs.html](http://www.sag.com/disabilityfaqs.html).





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**EVERYTHING YOU ALWAYS  
WANTED TO KNOW ABOUT  
WORKING WITH PERFORMERS  
WITH DISABILITIES  
BUT WERE AFRAID TO ASK**



1. Will the employment of performers with disabilities increase employer insurance costs?  
**No.**
2. Will rehearsals and production take longer if we hire a performer with a disability?  
**Performers with disabilities do not require more rehearsal and production time than the average performer without a disability.**
3. Is it permissible to ask a performer questions about his or her disability or the extent of his or her impairment?  
**No. But the producer may describe the specific requirements of the role and ask whether the performer can fulfill these requirements with or without reasonable accommodations. Furthermore, the performer may be asked to demonstrate a script-mandated task without any obligation on the producer to require a similar demonstration from a nondisabled performer. Once the requirements have been described, however, it is the**



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**performer's responsibility to specify what accommodations, if any, are needed.**

4. Is it permissible for actors to be asked whether they can perform without their accommodation (e.g., wheelchair, guide dog, interpreter)?  
**Yes, but unless working without the accommodation is essential to the role, the performer may refuse to do so.**
5. What is the producer's responsibility for an attendant who may accompany a performer with a disability to a location, rehearsal, or performance?  
**None.**
6. Is it expected that a production person will be assigned specifically to a performer with a disability?  
**No.**
7. Do cables, scenery, cameras, the edge of a stage, and other items create problems for disabled performers?  
**Professional actors who are disabled are skillful at maneuvering both on and off the stage, sets, or studios.**

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8. Does the producer have any responsibility to provide special transportation for a performer with a mobility impairment?  
**When transportation is required by the collective bargaining agreement, reasonable accommodations must be provided.**
  9. Is it permissible to ask a performer who is a wheelchair user if he or she is able to transfer from the wheelchair without assistance?  
**Yes.**
  10. What happens if the dressing room or holding area cannot be made accessible?  
**Reasonable accommodations must be made for all employees. An accessible, set-aside area must be provided. It must afford amenities similar to those found in the nonaccessible dressing room or holding area.**
  11. If a performer who is blind or visually impaired wishes that scripts or sides be transcribed into braille, audiotape, or large print, who is responsible for having the transcription done?  
**Under the ADA, the producer is responsible.**



12. What is the likelihood of the wheelchair breaking down or a guide dog having an “accident”?

**These situations are extremely unlikely. Performers with disabilities use their accommodations daily and are able to deal with any unusual problem that might arise.**

13. Is the producer required to hire sign language interpreters if performers who are deaf or hard of hearing are employed? If so, how many must be hired and how much will this cost?

**Sign language interpreters are a reasonable accommodation to facilitate communication between the producer and the performer.**

14. Can performers who are deaf or hard of hearing read lips or speak?

**Some can, and some cannot. If lip/speech reading or speaking is a script-mandated task, the performer may be asked whether he or she has that ability (see question 3).**

15. What is the likelihood that performers with disabilities will lack the stamina or have special medication needs or other requirements that would restrict their ability to put in a full day’s work plus possible overtime?

**Performers with disabilities expect to be held to the same standards as their colleagues.**

**We recommend asking the performer if he or she will want an interpreter. The cost will vary according to the base rate in effect, the number of performers requiring service, and the amount of hours or days the service is required. The extent to which a performer is needed will also determine whether an interpreter is required and whether more than one is needed.**





16. Can performers with Down syndrome or other cognitive impairments learn and retain lines and direction?

**Yes. The ability to learn and retain lines would be considered an essential job function for any actor; however, a performer with a cognitive impairment may, or may not, require additional time. The performer may be treated as described under question # 3.**



## Chapter 11

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*Please be advised that this information is intended solely as a convenient source of general information to assist employers when hiring performers with disabilities and is not intended to give legal advice to any person, nor does it purport to state accurately or fully describe the present laws and regulations affecting the employment of performers with disabilities or any other employment-regulated laws or regulations. Any person having a question regarding such laws and regulations should consult an attorney.*

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**The following text, *Everything Production Needs to Know When a Performer with a Disability Is Hired*, is published here with permission of the following organizations who funded its creation:**

- **the Screen Actors Guild, Producers Industry Advancement & Cooperative Fund**
- **the American Federation of Television & Radio Artists (New York and Los Angeles locals)**
- **the Actors' Equity Association**





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This document is available on the internet at  
[www.sag.com/disabilityfaqs.html](http://www.sag.com/disabilityfaqs.html)

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## **EVERYTHING PRODUCTION NEEDS TO KNOW WHEN A PERFORMER WITH A DISABILITY IS HIRED**

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The Screen Actors Guild, the American Federation of Television & Radio Artists, and the Actors' Equity Association recommend asking the performer what accommodation, if any, will be required. Most accommodations are readily achievable for little or no cost. For additional information, contact the

### **GENERAL INFORMATION:**

Job Accommodation Network (JAN)  
1-800-232-9675 or 1-800-526-7234



## ACCOMMODATING PERFORMERS WITH MOBILITY IMPAIRMENTS

### WHEELCHAIR ACCESSIBILITY

If entry to a location consists of one or more steps, a dimensionally appropriate ramp can readily be constructed by the shop craft department for performers who have mobility impairments. For specifications regarding ramps for accommodating employees, contact one of the following organizations:

- Paralyzed Veterans Association (PVA)  
1-800-424-8200 (Kim Beasley)
- New York, Eastern PVA: (718) 803-3782  
(Lorren Loonie or Aimee Monroy)
- Los Angeles, California PVA: 1-800-497-0565  
(Ronald Amador)
- Architectural and Transportation Barriers  
Compliance Board (ACCESS Board)  
1-800-USA-ABLE (Marsha Mazz, ext. 21, or  
press 2 on voice mail) or [www.access-board.gov](http://www.access-board.gov)

## COMMUNICATING WITH PERFORMERS WHO ARE DEAF OR HARD OF HEARING

### RELAY SERVICE

If you do not have a TDD or TTY system, you may telephone a person who is deaf through the Relay Service. Just dial one of the following toll-free numbers:

- AT&T National: 1-800-855-2881
- Sprint National: 1-800-877-8973
- MCI National: 1-800-947-8642

Give the performer's TDD or TTY number to the relay operator, who will guide you through the simple process.

### INTERPRETERS

The number of interpreters that may be needed for a performer who is deaf or hard of hearing depends on the script and activity and may be ascertained from the first interpreter hired. Interpreters should be certified. For a list of agencies handling interpreters in your area, contact:

- Registry of Interpreters for the Deaf at  
(301) 608-0050 (fax on demand  
1-800-711-3691, document #105).

Note: For a list of certified interpreters in the New York area:

- Jean Gerson-Greer at the Screen Actors Guild at (212) 827-1447.

### **ACCOMMODATING PERFORMERS WHO ARE BLIND OR VISUALLY IMPAIRED**

For transcribing services or information regarding braille, audio format, large print, and other formats, contact:

- Lighthouse International at 1-800-829-0500, In New York, dial (212) 821-9200 or (212) 821-9231.

### **ACCOMMODATING PERFORMERS WHO ARE COGNITIVELY IMPAIRED**

Communicating with cognitively impaired performers regarding scripts and sides, call sheets, verbal instructions, cues, and other items may require certain accommodations. For information, contact:

- YAI Central Office at 1-800-YAI-9914 (Pat Sutherland Cohen) or in New York, call (212) 563-7474 (Bobra Fyne, ext. 202)

- The Arc 1-800-433-5255 (Liz Moore, Sharon Davis, or Ann Balson—if urgent, request that the person be paged).



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### FURTHER INFORMATION

Actors' Equity Association (NY) (212) 869-8530;  
Fax (212) 719-9815

Actors' Equity Association (Los Angeles)  
(323) 634-1750; Fax (323) 634-1777

Actors' Equity Web site: [www.actorsequity.org](http://www.actorsequity.org)

American Federation of Television & Radio Artists  
(AFTRA) (New York) (212) 532-0800;  
Fax (212) 545-1238

AFTRA (Los Angeles) (323) 634-8100;  
Fax (323) 634-8126

AFTRA Web site: [www.aftra.org](http://www.aftra.org)

Screen Actors Guild (SAG) (New York)  
(212) 827-1433; Fax (212) 944-6774

SAG (Los Angeles) (323) 549-6643; Fax  
(323) 549-6647

SAGWeb site: [www.sag.com](http://www.sag.com)

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### Inappropriate Questions Potential Employers May Ask

Experienced interviewers often ask challenging questions to see how applicants respond in tough situations. However, less experienced employers may innocently ask questions that are inappropriate or even illegal. Questions about disabilities can be especially tricky. This section discusses the ADA guidelines on this subject.

You cannot be asked about a disability at an audition or interview. Employers may not ask about a disability or the nature or severity of a disability during an interview, even if the disability is obvious.

Employers may ask questions about your ability to perform specific job functions and may, with certain limitations, ask you to describe or demonstrate how you would perform these functions. That may involve asking whether you require “reasonable accommodations” to perform the job. If you say no, they may not ask further questions about accommodation. If you say yes, they may ask what accommodations you would require if hired.

An employer may make a job offer conditional on the satisfactory result of a medical examination or medical inquiry if this is required of all entering employees in the same job category.

After an offer is made, the employer may ask questions that are not necessarily job related or consistent with business necessity.

If you are asked questions that are inappropriate or illegal, do not become angry or put the interviewer on the defensive. If you choose not to answer, say so simply and pleasantly. Another approach is to respond pleasantly that you will be happy to discuss those issues when a firm offer is made. Or, you may choose to answer the question, perhaps with a qualifying statement like, “Although I’m not legally required to provide that information, I can assure you that my disability in no way prevents me from doing the job.” (See “Understanding the Americans with Disabilities Act” at the beginning of this chapter.)

Books and Videotapes to Educate Your Employer

***Changing Your Organization’s Image:  
Becoming Part of Your Community***

Connie Ferrell and Pat Rogan  
1999

This video addresses image marketing as part of the marketing plan. It helps people learn how to assess the community’s image of an organization; how to change an organization’s image to match its mission, vision, and values; and how to promote and publicize the image. It also discusses how negative images of people with disabilities have arisen and how they can be improved.

***Employment and Individuals  
with Psychiatric Disabilities***

Laurie Ford and John McClure  
1998

This video discusses ways to assist people with long-term mental illness in transitioning to employment. It describes vocational obstacles and identifies common job structuring strategies for workers with psychiatric disabilities. It discusses ways that these workers can educate their supervisors and coworkers and disclose information about their illnesses. The video lists a variety of approaches to provide support to

workers with mental illness and ensure meaningful employment outcomes.

***Employment for Individuals  
with Physical Disabilities***

Katherine Inge and Karen Flippo  
1997

This video identifies the challenges employers face when hiring individuals with significant disabilities and enables the viewer to understand the power of assistive technology. It also discusses what can be done to make changes from a provider, state agency, and customer perspective.

***Supported Employment in the Year 2000***

John Kregel, Paul Wehman, and Celane McWhorter  
1997

This video discusses how supported employment got to where it is today, trends and policies affecting service delivery, and the direction in which supported employment is heading.

***Transition-Aged Youth:  
Using SSI Work Incentives***

Connie Ferrell, Thomas Golden, Susan O'Mara,  
and Susan Daniels, Deputy Commissioner for the